

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHARLES DECUIR,

Plaintiff,

v.

JOSEPH LEHMAN, *et al*,

Defendants.

Case No. C05-5326RBL

REPORT AND  
RECOMMENDATION

Noted for September 16, 2005

This matter comes before the court on plaintiff's filing of a civil rights complaint pursuant to 42 U.S.C. § 1983. (Dkt. #1). Plaintiff has been granted *in forma pauperis* status in this case. (Dkt. #3). However, because plaintiff has not provided the court with the proper number forms for service or copies of the complaint for service, the undersigned recommends the court dismiss this matter without prejudice for failure to prosecute.

On May 27, 2005, the court ordered plaintiff to provide it with five service forms and five copies of his complaint on or before June 27, 2005, so that the court could attempt service by mail. (Dkt. #4). On June 1, 2005, plaintiff provided the court with only three service forms and copies of the complaint. Nevertheless, the undersigned gave plaintiff one more chance to provide the court with the correct number of service forms and

1 copies of the complaint, by filing two more such service forms and copies of the complaint by no later than  
2 August 8, 2005. (Dkt. #6). The undersigned warned plaintiff that failure to provide these documents by the  
3 above date would result in a recommendation of dismissal for failure to prosecute. To date, however, plaintiff  
4 still has not provided the required number of documents.

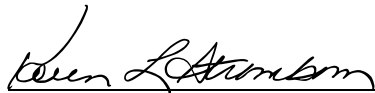
5 CONCLUSION

6 Because plaintiff has failed to fully respond to the undersigned's orders directing him to provided the  
7 correct number of service forms and copies of his complaint, the undersigned recommends the court dismiss his  
8 complaint for failure to prosecute.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72(b),  
10 the parties shall have ten (10) days from service of this Report and Recommendation to file written  
11 objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
12 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit  
13 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **September**  
14 **16, 2005**, as noted in the caption.

15 The Clerk is directed to send a copy of this Order to plaintiff.

16 DATED this 22nd day of August, 2005.

17  
18  
19 

20 Karen L. Strombom  
21 United States Magistrate Judge  
22  
23  
24  
25  
26  
27  
28